


SEP 18 2006

PTO/SB/33 (07-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 000730C1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" or being facsimile transmitted to the USPTO (571) 273-8300 [37 CFR 1.8(a)] on <u>September 18, 2006</u> Signature _____ Typed or printed name <u>Victoria J. Pacey</u>	Application Number 10/756,947	Filed January 13, 2004	
	First Named Inventor Norman F. Krasner		
	Art Unit 2617	Examiner William D. Cumming	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the applicant/inventor. assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) attorney or agent of record. Registration number <u>43,721</u> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	 Signature Andrea L. Mays Typed or printed name <u>(858) 651-8546</u> Telephone number <u>September 18, 2006</u> Date		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			

Total of 1 forms are submitted.

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Docket No. 000730C1

SEP 18 2006

Serial No. 10/756,947

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Norman F. Krasner

For: METHOD AND APPARATUS FOR
SIGNAL PROCESSING IN A SATELLITE
POSITIONING SYSTEM

Serial No.: 10/756,947

Group Art Unit: 2617

Filed: January 13, 2004

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: William D. Cumming
Examiner

Dear Sir:

Appellants respectfully request review of the final rejection mailed by the Office for the above-referenced application on May 16, 2006 (the "Final Office Action").

A Notice of Appeal is being filed concurrently herewith. This Request for Review is pursued for the reasons presented in the following pages.

I hereby certify that this correspondence is being sent via facsimile addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on:

September 18, 2006

(Date of Deposit)

Victoria J. Pacey

(Name of Person Making Deposit)



(Signature)

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Serial No. 10/756,947

Status of Claims

Claims 1-84 are pending in the application.

Claims 1-3, 5-17, 20-29, 31, 34-39, 43-61, 65-68, 71-75, and 79-84 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,640,452 to Murphy (hereinafter referred to as "Murphy") in view of Japanese Patent No. JP09218038A to Timo Alison et al. (hereinafter referred to as "Timo").

Claims 1-3, 5-17, 20-29, 31, 34-39, 43-61, 65-68, 71-75, and 79-84 are also rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,963,582 to Stansell, Jr. (hereinafter referred to as "Stansell I") or U.S. Patent No. 6,160,841 to Stansell, Jr. et al. (hereinafter referred to as "Stansell II") in view of Timo.

Claims 4, 18, 30, 31, 33, 40-41, 62-63, 69-70, 76, and 77-78 remain rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Murphy, Stansell I or Stansell II in view of Timo and further in view of U.S. Patent No. 6,108,317 to Jones et al.

Claims 1-84 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 5,812,087 in view of Murphy. The Examiner has also rejected claims 1-84 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent Application No. 09/074.021, now U.S. Patent No. 6,816,710.

Appellants believe the rejections contain clear factual deficiencies and do not properly set forth a *prima facie* case for the obviousness rejections.

The Examiner Fails to Establish Prima Facie Obviousness of Claim 1

Claim 1 recites a method for satellite positioning system (SPS) signal processing. The method includes "removing pseudorandom noise from said one or more SPS signals to provide a first portion of a narrowband signal and a second portion of a narrowband signal; and *combining said first portion with common information in said second portion* to improve the sensitivity of the SPS receiver; wherein said *common information comprises data that is either repeated in time within the same received SPS signal or that is concurrently contained in more than one of the received SPS signals.*" (emphasis added).

Applicant contends that the cited references fail to teach, either alone or in combination, all of the claimed features. Additionally, there is no motivation to combine or

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otherwise modify the teachings of the cited references in a manner that would teach the claimed invention. Thus, because there is no *prima facie* case for obviousness, claim 1 is believed to be allowable over the cited references.

Murphy, as more fully described in Applicant's response of July 17, 2006 at pages 2-3, is directed to a decryption chip that is disabled in the event that a satellite positioning system indicates that the chip is not within a predefined radius of an expected location. Importantly, with respect to processing of SPS signals, Murphy discloses only the well known signals transmitted by satellites in SPS systems, and processing of such signals to determine position of the decryption module. Murphy, as recognized by the Examiner at paragraph 3, on page 2 of the Final Office Action, does not disclose common information as claimed. Stansell I and Stansell II are directed to mitigation of multipath effects in GPS receivers. The Examiner, at paragraph 4, on page 3 of the Final Office Action, recognizes that Stansell I and Stansell II do not disclose common information as claimed.

In each case, the Examiner goes on to assert that Timo discloses such common information. However, Timo, as more fully described in Applicant's response of July 17, 2006 at page 3, is directed to a surveying system that relies on multiple SPS receivers where enhanced accuracy is achieved through use of a reference receiver installed at a known fixed coordinate position. Timo uses the known position of the reference receiver to determine a correction for a mobile receiver. Applicant addresses this rejection and the cited references in Applicant's response of July 17, 2006 at pages 3-4. However, the following discussion is presented to address the Examiner's response in the Advisory Action of August 2, 2006.

The Examiner, in the Advisory Action, states that broad language in the claims will be examined very broadly. Applicant assumes that the Examiner is referring to the claimed "common information." As claimed, common information is information that is common to both a first portion of a narrowband signal and a second portion of a narrowband signal. The narrowband signals, as claimed, are the result of removing pseudorandom noise from SPS signals. Thus, the common information is information that is derived from SPS signals. Regardless of any broad interpretation of the claimed "common information," it is clear that the claim requires such information be common to first and second portions of narrowband signals derived from SPS signals. The Examiner, at page 7 of the Final Office Action, asserts that such common information is seen in a "glance review" of Timo. The Examiner states that "[o]ne such common information is the predetermined survey mark. Another is the

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predetermined positional coordinates of the mobile receiver and processor.” However, even assuming, *arguendo*, that such information is communicated between receivers in Timo, this information is *not contained in any SPS signal*. Such a predetermined survey mark or predetermined coordinates are not included in SPS signals, and therefore cannot be common information in one or more SPS signals. Timo is thus devoid of any teaching or suggestion of the common information as claimed.

Therefore, Murphy, Stansell I and/or Stansell II, in view of Timo, alone or in any reasonable combination, fail to teach or suggest every claimed feature. Thus, the Examiner fails to establish a *prima facie* case of obviousness of claim 1.

The Examiner Fails to Establish Prima Facie Obviousness of Claims 16, 29, 43, 61, 68, and 75

Independent claims 16, 29, 43, 61, 68, and 75 each contain similar limitations relating to common information, as described with respect to claim 1. It is submitted that these claims are also allowable for at least the same reasons as described with respect to claim 1.

The Dependent Claims Are Allowable As Dependent Upon An Allowable Base Claim

Claims 2-15, 17-28, 30-42, 44-60, 62-67, 69-74, and 76-84 depend, either directly or indirectly, from independent claims 1, 16, 29, 43, 61, 68, and 75 and are believed to be allowable at least for the reason that they depend from an allowable base claim.

Discussion of Obviousness-Type Double Patenting

The Examiner has rejected claims 1-84 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 5,812,087 in view of Murphy. Similarly as described above, it is submitted that neither of the references teach or suggest common information, or the use of such common information, from narrowband signals as claimed.

The Examiner has also rejected claims 1-84 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent Application No. 09/074.021, now U.S. Patent No. 6,816,710.

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To the extent that any judicially created double patenting rejection remains, a terminal disclaimer will be submitted upon the indication of allowable subject matter to overcome this rejection.

CONCLUSION

In light of the arguments presented above, the Applicants respectfully submit that the instant claims are patentable. Accordingly, reconsideration and allowance of this Application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: September 18, 2006

By:  _____

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